

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JUAN ANTONIO GARCIA	§	
VS.	§	CIVIL ACTION NO. 9:21-CV-112
BOBBY LUMPKIN, <i>et al.</i> ,	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Juan Antonio Garcia, an inmate confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed the above-referenced civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Bobby Lumpkin, Baldon Polk, and Tamar Marcotte.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings (Doc. # 14). Plaintiff filed an Amended Complaint, liberally construed as Objections to the Report and Recommendation of United States Magistrate Judge (Doc. # 21). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

The Report and Recommendation put Plaintiff on notice as to the deficiency in his pleadings. Despite an opportunity to amend his pleadings, Plaintiff has still failed to cure the deficiencies. With respect to Plaintiff's individual capacity claims, Plaintiff fails to put forth factual allegations that support a claim of deliberate indifference nor the personal involvement of Defendant Lumpkin and Polk. Plaintiff's civil rights action is frivolous and fails to state a claim upon which relief may be granted.

ORDER

Accordingly, Plaintiff's objections are overruled. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A Final

Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **11** day of **March, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge